

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR05-0410RSL
)	
Plaintiff,)	
)	
vs.)	(PROPOSED) ORDER FOR
)	CONTINUANCE OF TRIAL AND
HARLAN PHILIP JAMES,)	RELATED MATTERS
)	
Defendant.)	
)	
_____)	

Upon consideration of the parties' Third Stipulated Motion for Continuance of Trial and Related Matters, and the defendant's agreement to continue the trial date until September 18, 2006,

THE COURT NOW FINDS that pursuant to Title 18, U.S.C. § 3161(h)(8)(A) and § 3161(h)(8)(B)(iv), the ends of justice served by continuing the trial date to September 18, 2006, outweigh the best interests of the public and the defendant in a speedy trial, in that, as set forth in the parties' Stipulation, it has been demonstrated that (1) the parties have acted with due diligence in an effort to be prepared for a trial on May 1, 2006; (2) defense counsel has demonstrated that he needs until September 18, 2006, to adequately prepare for trial by conducting social history interviews, additional interviews of witnesses to the events, and

1 mental state evaluation of Mr. James; (3) while the crime charged is not a complex offense,
2 the defense investigation is logistically difficult and time consuming because some witnesses
3 to the alleged incident have not yet been identified, all of the witnesses are located on the
4 Lummi Indian Reservation, which is a substantial distance from counsel's office in Seattle,
5 and it will take a number of investigative trips to the Lummi Indian Reservation to identify,
6 locate and obtain interviews with relevant witnesses to this case; (4) the investigation is
7 further complicated by the fact that it appears that some of the individuals who were witnesses
8 to the event may have been intoxicated at the time of the event; (5) between the date of the
9 first continuance order and the second continuance order, defense investigation revealed that
10 Mr. James' mental state both before and at the time of the offense is a critical aspect of
11 effectively representing Mr. James, both for trial preparation and for his preparation of
12 negotiation with the government concerning a proper resolution of this case; (6) from the time
13 of the last continuance to March 23, 2006, Mr. James was under a civil commitment order at
14 the Pioneer Center North and was effectively unavailable to defense counsel for trial
15 preparation; and (7) defense counsel needs additional time to further develop information
16 concerning Mr. James's mental state at the time of the alleged offense in order to both prepare
17 for trial and to be fully prepared for settlement discussions with the government.

18 IT IS THEREFORE ORDERED that the trial in this matter is continued until
19 September 18, 2006.

20 IT IS FURTHER ORDERED that any pretrial motions be filed by July 6, 2006.

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1 IT IS FURTHER ORDERED that for the purposes of computing the time limitations imposed
2 by the Speedy Trial Act, 18 U.S.C. §§ 3161-3174, the period of delay from
3 May 1, 2006, up to September 18, 2006, is excludable time pursuant to 18 U.S.C.
4 §§ 3161(h)(8)(A) and (h)(8)(B)(iv).

5 DATED this 6th day of April, 2006.

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8 Robert S. Lasnik
9 United States District Judge

10 Presented by:

11 s/ Michael Filipovic
12 WSBA No. 12319
13 Assistant Federal Public Defender
14 Attorney for Harlan Philip James
15 Federal Public Defender's Office
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20 *Agreed to by stipulation, notice of presentment waived,*
21 *signature approved per telephone authorization:*

22 s/ Carl Blackstone
23 Assistant United States Attorney
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